



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 4

THE CHIEF EXECUTIVE OF SKILLS FUNDING

CHAPTER 2

OTHER FUNCTIONS

Funding

100 Provision of financial resources

- (1) The Chief Executive may secure the provision of financial resources to—
- (a) persons providing or proposing to provide education or training within the Chief Executive's remit;
 - (b) persons providing or proposing to provide goods or services in connection with the provision by others of such education or training;
 - (c) persons receiving or proposing to receive such education or training;
 - (d) persons aged 18 receiving or proposing to receive education or training;
 - (e) persons making loans to others receiving or proposing to receive education or training;
 - (f) persons providing or proposing to provide courses falling within paragraph 1(g) or (h) of Schedule 6 to the [Education Reform Act 1988 \(c. 40\)](#) (courses in preparation for professional examinations at a higher level or providing education at a higher level);
 - (g) persons undertaking or proposing to undertake research relating to education or training;
 - (h) persons carrying out means tests under arrangements made under section 103;

Status: This is the original version (as it was originally enacted).

- (i) persons providing or proposing to provide services relating to finding apprenticeship places under section 104;
 - (j) persons providing or proposing to provide information, advice or guidance about education or training or connected matters (including employment).
- (2) In performing the functions under this section the Chief Executive must make the best use of the Chief Executive's resources.
- (3) The Chief Executive may secure the provision of financial resources under subsection (1)—
- (a) by providing the resources;
 - (b) by making arrangements for the provision of resources by another person;
 - (c) by making arrangements for the provision of resources by persons jointly (whether or not including the Chief Executive).
- (4) The Chief Executive may under subsection (1)(c) secure the provision of financial resources by reference to—
- (a) any fees or charges payable by the person receiving or proposing to receive the education or training, or
 - (b) any other matter (such as transport or childcare).

101 Financial resources: conditions

- (1) Financial resources provided by the Chief Executive may be provided subject to conditions.
- (2) The conditions may include—
- (a) information conditions;
 - (b) operational conditions;
 - (c) repayment conditions.
- (3) Information conditions are conditions which—
- (a) require the Chief Executive, or a person designated by the Chief Executive, to be given access to a person's accounts and documents and to be given rights in relation to a person's computers and associated apparatus and material, or
 - (b) require a person to whom financial resources are provided to give to the Chief Executive such information as the Chief Executive may request for the purpose of carrying out the functions of the office.
- (4) Operational conditions are conditions which require a person providing or proposing to provide education or training ("the provider") to make arrangements providing for all or any of the matters mentioned in subsection (5).
- (5) The matters are the following—
- (a) the charging of fees by the provider by reference to specified criteria;
 - (b) the making of awards by the provider by reference to specified criteria;
 - (c) the recovery by the provider of amounts from persons receiving education or training or from employers (or from both);
 - (d) the determination of amounts by reference to specified criteria where provision is made under paragraph (c);
 - (e) the operation of specified exemptions where provision is made under paragraph (c);

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- (f) the making by the provider of provision specified in a report of an assessment under section 139A or 140 of the Learning and Skills Act 2000 (c. 21) (assessments relating to learning difficulties).
- (6) Repayment conditions are conditions which—
 - (a) enable the Chief Executive to require the repayment (in whole or part) of sums paid by the Chief Executive if any of the conditions subject to which the sums were paid is not complied with;
 - (b) require the payment of interest in respect of any period in which a sum due to the Chief Executive in accordance with any condition is unpaid.

102 Performance assessments

- (1) The Chief Executive may adopt or develop schemes for the assessment of the performance of persons in providing education or training within the Chief Executive's remit.
- (2) The Chief Executive may take the assessments into account in deciding how to exercise the powers under section 100.

103 Means tests

- (1) The Chief Executive may—
 - (a) carry out means tests;
 - (b) arrange for other persons to carry out means tests.
- (2) The Chief Executive may take the results of the tests into account in exercising the power under section 100(1)(c), (d) or (e).